

### **Remarks**

Reconsideration of the application is respectfully requested in view of the foregoing amendments and following remarks. Claims 1-17 are pending in the application. Claims 1-9 have been allowed. Claims 1, 4, 7, 10 and 14 are independent.

### **Cited Art**

The Office action ("Action") applies the following cited art: U.S. Published Patent Application No. 2002/0035470 to Gao et al. ("Gao").

The prior art made of record and not relied upon, but which is considered pertinent, is as follows: U.S. Patent No. 6,141,645 to Chi-Min et al. ("Chi-Min"), U.S. Patent No. 5,914,987 to Fogel ("Fogel"), U.S. Patent No. 5,857,000 to Jar-Ferr et al. ("Jar-Ferr"), and U.S. Patent No. 5,063,574 to Moose ("Moose").

### **§ 102 Rejection**

The Action rejects claims 10-14 and 17 under 35 U.S.C. § 102(e) as being anticipated by Gao. Applicants respectfully submit that the claims are allowable over the cited art. To establish a prima facie case of anticipation, the cited art must show each and every element as set forth in a claim. MPEP § 2131.01.

#### **Claim 10.**

Applicants respectfully submit that Gao neither teaches nor suggests, at least, the following amended claim 10 language.

if the frame is a transition frame between lossy and lossless compressed frames, then using mixed lossless compression to compress the pseudo-time domain signal using the encoder, else, losslessly compressing the pseudo time domain signal using the encoder...  
[Emphasis added.]

Support for the amendment can be found in the Specification and figures as originally filed. In addition, support can be found at, e.g., the Specification at page 16, line 25 to page 17, line 3.

Gao discusses determining compression amount by, among other indicators, whether or not speech is present. [See, e.g., Gao, at ¶ 53.] However, to Applicant's knowledge, Gao does not discuss lossless compression at all and so does not anticipate mixed lossless compression. As neither lossless nor mixed lossless compression is mentioned, Gao does not anticipate the amended claim 10 language "*if the frame is a transition frame between lossy and lossless compressed frames, then using mixed lossless compression to compress the pseudo-time domain signal using the encoder, else, losslessly compressing the pseudo time domain signal using the encoder.*"

Claim 10, thus, is in condition for allowance.

#### **Claims 11-13.**

The Action rejects claims 11-13 under 35 U.S.C. § 103(a) as unpatentable over Gao. Claims 11-13 depend from claim 10. In the interest of brevity, Applicants do not belabor the language of each of the dependent claims, but points out that they recite novel and nonobvious features allowable over Gao. Further, since they depend from claim 10, they should be allowed for at least the reasons stated for claim 10. Claims 11-13 should be allowable for at least the reasons given. Such action is respectfully requested.

#### **Request for Interview**

If any issues remain, the Examiner is formally requested to contact the undersigned attorney prior to issuance of the next Office action in order to arrange a telephonic interview. It is believed that a brief discussion of the merits of the present application may expedite prosecution. Applicants submit the foregoing formal Amendment so that the Examiner may fully evaluate Applicants' position, thereby enabling the interview to be more focused.

This request is being submitted under MPEP § 713.01, which indicates that an interview may be arranged in advance by a written request.

**Conclusion**

The claims should be allowable. Such action is respectfully requested.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, Oregon 97204  
Telephone: (503) 595-5300  
Facsimile: (503) 595-5301

By



Genie Lyons

Registration No. 43,841